

## AMENDMENTS TO THE CLAIMS

Claims 1-3 (Cancelled)

4. (Currently Amended) The construction as in claim ~~3~~ 14; wherein, said at least one vertical mounting flange is formed in a rear wall portion of the hollow rectangular bodies and at the terminus of a semi-conical recess formed in a top surface of the hollow rectangular bodies.

5. (Currently Amended) The construction as in claim ~~3~~ 14; wherein, the at least one intermediate segment is provided with at least one vertical mounting flange and at least one horizontal mounting flange.

6. (Currently Amended) The construction as in claim 5; wherein, said at least one vertical mounting flange is formed in a rear wall portion of the hollow rectangular bodies and at the terminus of a semi-conical recess formed in a top surface of the hollow rectangular bodies.

Claim 7 (Cancelled)

8. (Currently Amended) The construction as in claim ~~7~~ 15 further comprising:

at least one intermediate segment including an open ended elongated hollow rectangular body having a connector flange disposed on one of the open ends.

9. (Original) The construction as in claim 8; wherein, the first and second end cap members, as well as, the at least one intermediate segment have their external surfaces provided with a simulated brick appearance.

Claim 10 (Cancelled)

11. (Currently Amended) The construction as in claim 40 ~~15~~; wherein, said at least one vertical mounting flange is formed in a rear wall portion of the hollow rectangular bodies and at the terminus of a semi-conical recess formed in a top surface of the hollow rectangular bodies.

12. (Previously presented) The construction as in claim 8; wherein, the at least one intermediate segment is provided with at least one vertical mounting flange and at least one horizontal mounting flange.

13. (Previously presented) The construction as in claim 12; wherein, said at least one vertical mounting flange is formed in a rear wall portion of the hollow rectangular bodies and at the terminus of a semi-conical recess formed in a top surface of the hollow rectangular bodies.

14. (Currently Amended) ~~The construction of claim 3 including~~ A fence guard ~~A fence guard construction for preventing the growth of vegetation in the vicinity of a fence wherein, the construction comprises:~~

a first end cap member including a closed end elongated hollow rectangular body having a substantially rectangular shaped open space therein and an open distal end;

a second end cap member including a closed end elongated hollow rectangular body having a substantially rectangular shaped open space therein and an open proximal end provided with a connector flange;

at least one intermediate segment including an open ended elongated hollow rectangular body having a substantially rectangular shaped open space therein and a connector flange disposed on one of the open ends;

the first and second end cap members, as well as, the at least one intermediate segment have their external surfaces provided with a simulated brick appearance;

each of the end cap members is provided with at least one horizontal mounting flange and at least one vertical mounting flange; and

a fence post disposed in soil for holding the fence post upright and said vertical mounting flange is directly attached to said fence post with a fastener.

15. (Currently Amended) ~~The construction of claim 10 including~~

A fence guard construction for preventing the growth of vegetation in the vicinity of a fence wherein, the construction comprises:

a first end cap member including a closed end elongated hollow rectangular body having a substantially rectangular shaped open space therein and an open distal end;

a second end cap member including a closed end elongated hollow rectangular body having a substantially rectangular shaped open space therein and an open proximal end provided with a connector flange which is adapted to be received in the open distal end of the first end cap member;

each of the end cap members is provided with at least one horizontal mounting flange and at least one vertical mounting flange; and

a fence post disposed in soil for holding the fence post upright and said vertical mounting flange is directly attached to said fence post with a fastener.